

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SAEED MOHAMMED SALEH HATIM,)
et al.,)

Petitioners-Appellees,)

v.)

BARACK H. OBAMA, et al.,)

Respondents-Appellants.)

No. 13-5218 (consolidated with
Nos. 13-5220 and 13-5221)

**APPELLANTS' MOTION FOR AN EXTENSION OF TIME
WITHIN WITH TO FILE THEIR REPLY BRIEF
IN LIGHT OF THE LAPSE OF APPROPRIATIONS**

In light of the lapse of appropriations, Respondents-Appellants Barack H. Obama, et al., respectfully seek an extension of time within which to file their reply brief.

1. The Petitioners-Appellees are scheduled to file their brief today, Friday, October 11. The reply brief for the Respondents-Appellants is due on Tuesday, October 22, pursuant to the Court's briefing order dated August 26, 2013.

2. As the Court is aware, at the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agency clients with whom the Department attorneys must coordinate their filings.

The Department does not know when funding will be restored by Congress.

3. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

4. Counsel for the respondents have been authorized to work on this matter solely to file this extension motion.

5. We therefore request that the time for filing our reply brief be extended until 11 calendar days after Congress has restored appropriations to the Department of Justice. If this motion is granted, we will notify the Court as soon as Congress has appropriated these funds.

6. Counsel for the appellees has informed us that the appellees oppose this motion.

For the foregoing reasons, in light of the lapse of appropriations, we request an extension of the time within which to file our reply brief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2013, I served the foregoing motion on the following by filing it through the CM/ECF system:

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